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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/996,576

11/30/2001

Yves Audebert

AIM-203US

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54004

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04/13/2010

MUIRHEAD AND SATURNELLI, LLC

200 FRIBERG PARKWAY

SUITE 1001

WESTBOROUGH, MA 01581

EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

04/13/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/996,576	<b>Applicant(s)</b> AUDEBERT ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-23 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-23 and 25-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-23, 25-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeny, Jr U.S Patent 6, 970, 850 in view Katz et al(Hereinafter Katz US Patent: 6, 424, 706.

As per claim 1, Freeny, Jr discloses a network enabled online transaction risk management system comprising;

at least one financial services server for processing financial transaction requests received over said network for at least one customer account wherein preferences for said at least one customer account are remotely configurable over said network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47) at least one client in processing communications with said at least one financial services server over said network including means for remote configuration of said at least one customer account using one or more customer preferences, at least one point of sales terminal in processing communications with said at least one financial services server including means for performing said financial transaction with said financial services server.(Note abstract and see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Freeny, Jr fail to explicitly teach said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, an authorization request sent to said at least one customer using said notification section if a characteristic of said financial transaction exceeds said one or more customer preferences.

However Katz discloses if it is associated with a redemption office, then the caller is sending unit-minutes that may later be redeemed and process assigns a redemption password to the transaction. Next a step asks the caller to enter the number of unit-minutes they wish to transfer. For convenience, callers are reminded of their account balance and may enter the amount in terms of local currency. A decision then confirms the amount with the caller. Once the caller has confirmed the amount, a decision, using values stored in a transaction limit table, validates that the amount is above the minimum allowed transfer amount and below the maximum allowed transfer amount. If the amount exceeds any of the transaction limits message explaining this is played at a step and the caller is returned to the main menu at step. At this point, the initial transaction setup is complete. A step stores the acquired information, the subscriber ID, receiver ID and amount of unit-minutes to transfer and the process continues in FIG. 4B.(see column17 lines 59-67 and column 18 lines 1-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, an authorization request sent to said at least one customer using said notification section if a characteristic of said financial transaction exceeds said one or more customer preferences taught by Katz in order to provide a plurality of servers on a network to perform separated or isolated image processing desired by a user, wherein the communication system and the method make it possible to improve the speed of image processing on a network platform at reduced costs.

As per claim 4, Freeny, Jr discloses wherein said one or more customer preferences includes transaction limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 5, Freeny, Jr discloses wherein said one or more customer preferences includes authorization limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

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As per claim 6, Freeny, Jr discloses wherein said one or more customer preferences includes account suspension limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 7, Freeny, Jr discloses wherein said one or more customer preferences includes single transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 8, Freeny, Jr discloses wherein said one or more customer preferences includes cumulative transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 9, Freeny, Jr discloses wherein said one or more customer preferences includes an applicable time period (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 10, Freeny, Jr wherein said at least one financial services server authenticates said at least one customer before allowing said at least one customer access to said at least one customer account (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 11, Freeny, Jr discloses wherein said communications is performed using a secure messaging protocol (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 12, Freeny, Jr discloses wherein said network includes the Internet. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 13, Freeny, Jr discloses wherein said network includes a public telephone service network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 14, Freeny, Jr discloses wherein said network includes a cellular telephone network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 15, Freeny, Jr discloses wherein said network includes a cable television network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and

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column 9 line 65 and column 10 lines 1-47).

As per claim 16, Freeny, Jr discloses wherein said notification section includes a cellular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 17, Freeny, Jr discloses wherein said notification section includes a pager (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 18, Freeny, Jr discloses wherein said notification section includes a regular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 19, Freeny, Jr discloses wherein said notification section includes electronic mail (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 20, Freeny, Jr wherein said notification section includes a personal data assistant (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 21, Freeny, Jr discloses wherein said notification section includes a television equipped with a set top box (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 22, Freeny, Jr discloses further including a comparator section wherein said comparator section compares characteristics of financial transactions received from said at least one point of sales terminal to said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 23, Freeny, Jr discloses wherein notifications are sent to said at least one customer using said notification section if said financial transaction characteristics exceed said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 25, Freeny, Jr discloses wherein said at least one customer account belonging to said at least one customer is suspended if said financial transaction characteristics exceed said

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one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 26, Freeny, Jr discloses a method for reducing financial transaction risk comprising;

establishing networking communications between a client and a financial services server by at least one customer wherein said financial services server is in processing communications with at least one point of sales terminal, accessing an account on said financial services server owned by said at least one customer, entering one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47) comparing a characteristic of a financial transaction received from said at least one point of sales terminal to said one or more customer transactions, sending notification to said at least one customer if said financial transaction characteristic exceeds said one or more customer preferences, requesting authorization of said at least one customer if said financial transactions exceed said one or more customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Freeny, Jr fail to explicitly teach explicitly teach said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, and authorization requests are sent to said at least one customer using said notification section if said financial transaction characteristics exceed said one or more customer preferences.

However Katz discloses if it is associated with a redemption office, then the caller is sending unit-minutes that may later be redeemed and process assigns a redemption password to the transaction. Next a step asks the caller to enter the number of unit-minutes they wish to transfer. For convenience, callers are reminded of their account balance and may enter the amount in terms of local currency. A decision then confirms the amount with the caller. Once the caller has confirmed the amount, a decision, using values stored in a transaction limit table, validates that the amount is above the minimum allowed transfer amount and below the maximum allowed transfer amount. If the amount exceeds any of the transaction limits message explaining this is played at a step and the caller is returned to the main menu at step. At this

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point, the initial transaction setup is complete. A step stores the acquired information, the subscriber ID, receiver ID and amount of unit-minutes to transfer and the process continues in FIG. 4B.(see column 17 lines 59-67 and column 18 lines 1-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include said one or more customer preferences includes notification methods and said system comprises a notification section for performing said notification methods, said notification methods further includes authorization methods and said system further comprises an authorization section for performing said authorization methods, and authorization requests are sent to said at least one customer using said notification section if said financial transaction characteristics exceed said one or more customer preferences taught by Katz in order to provide a plurality of servers on a network to perform separated or isolated image processing desired by a user, wherein the communication system and the method make it possible to improve the speed of image processing on a network platform at reduced costs

As per claim 27, Freeny, Jr discloses further including the step of authenticating said customer to said financial services server (see column 4 lines 32-67 and column 6 lines 18-65 and column 7-15 lines 1-67).

As per claim 28, Freeny, Jr discloses wherein said networking communications includes using the Internet (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 29, Freeny, Jr discloses wherein said networking communications includes using a public telephone service network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 30, Freeny, Jr discloses wherein said networking communications includes using a cellular telephone network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 31, Freeny, Jr discloses wherein said networking communications includes using a cable television network(see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).



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As per claim 32, Freeny, Jr discloses wherein said one or more customer preferences includes transaction limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 33, Freeny, Jr discloses wherein said one or more customer preferences includes authorization limits. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 34, Freeny, Jr discloses wherein said one or more customer preferences includes account suspension limits (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 35, Freeny, Jr discloses wherein said one or more customer preferences includes single transactions. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 36, Freeny, Jr discloses wherein said one or more customer preferences includes cumulative transactions. (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 37, Freeny, Jr discloses wherein said one or more customer preferences includes an applicable time period (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 38, Freeny, Jr discloses wherein said notification is performed through a cellular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 39, Freeny, Jr discloses wherein said notification is performed through a pager (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 40, Freeny, Jr discloses wherein said notification is performed through a regular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 41, Freeny, Jr discloses wherein said notification is performed through a electronic mail (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

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As per claim 42, Freeny, Jr discloses wherein said notification is performed through a personal data assistant (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 43, Freeny, Jr discloses wherein said notification is performed through a television equipped with a set top box (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

### **Conclusion**

#### **Response to Arguments**

3. Applicant's arguments filed 12/23/2009 has been fully considered but they are not persuasive for the following reasons.

4. In response to Applicant's arguments that Freeny, Jr and Katz fails to teach or suggest "teach said one or more customer preferences includes notification methods said notification methods further includes authorization methods and...an authorization section for performing said authorization method, an authorization request sent to said at least one customer using said notification section if a characteristic of said financial transaction exceeds said one or more customer preferences and an authorization request is sent to the customer using the notification section if a characteristic of the financial transaction exceeds one or more customer preferences and the Office Action fails to provide a prima facie case of obviousness for combining the references ".

The examiner disagrees with Applicant's because these claimed limitations were addressed as stated.

The examiner apologized for miss stating all the features that was taught by Freeny, Jr.

However upon further review Freeny, Jr teaches in addition, limits can be put on a customer's account, by the customer, and the cyber card becomes invalid when received services of all types exceed these predetermined amounts. The customer and owner are automatically notified in such a case and desired a new valid cyber card code is issued and authorization process where a customer approve or denied and customer is notified.(see column 5 lines 66-67 and column 6 lines 1-10 and column 12 lines 15- 20 and column 13 lines -37).

Katz teaches a decision then confirms the amount with the caller. Once the caller has confirmed the amount, a decision, using values stored in a transaction limit table, validates that the amount

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is above the minimum allowed transfer amount and below the maximum allowed transfer amount. If the amount exceeds any of the transaction limits a message explaining this is played at a step 438 and the caller is returned to the main menu at step (see column 18 lines 9-17 and column 13 lines 1-23). The Examiner notes that nowhere in the claim language is the notification required to be transmitted to the customer **without requiring any user interaction**. The claim recitation is directed to notification is sent. Therefore, Applicant is arguing features that are not claimed. Therefore, Applicant's argument is deemed non-persuasive.

5. With respect to Applicant's that Office Action fails to provide a prima facie case of obviousness for combining the references, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977F. 2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783F.2d 1038, 1039, 228 USPQ\* 685, 686 (Fed. Cir.1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex pane Levengood*, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit  
3691

CG

April 7, 2010